

Today, Congressman Earl Blumenauer issued the following statement in response to media reports about an incident at Portland Adventist Hospital:

“I am deeply disturbed by media reports that a critically ill man was denied timely care as he died of a heart attack in the Portland Adventist Hospital’s parking lot. If these reports are true, it is not just heartbreaking, but incomprehensible that a hospital fully capable of treating this medical emergency left police officers with no medical equipment to tend to a patient. If the police statements are correct, this incident defies common sense and it may well defy federal law. The Emergency Medical Treatment and Active Labor Act (EMTALA), passed in 1986, requires all Medicare participating hospitals with emergency departments treat any critically ill patients on their premises, including parking lots.

I am calling for the Center for Medicare and Medicaid Services (CMS) to conduct an independent investigation of this matter to ensure that federal laws are enforced and Oregonians are protected.

In the meantime, it is important that every hospital in Oregon understand its moral and legal obligations. I will be sending information to all Oregon hospitals to ensure our health care leaders are complying with federal law and I stand ready to assist in any areas of ambiguity that might require further clarification.”

### **Background:**

The Emergency Medical Treatment and Active Labor Act (EMTALA) is the 1986 law that ensures universal access to emergency medical care at all Medicare participating hospitals with emergency departments. Under EMTALA, any person who seeks emergency medical care at a covered facility is guaranteed an appropriate screening exam and stabilization treatment before transfer or discharge. Failure to abide by these requirements can subject hospitals or physicians to civil monetary sanctions or exclusion from Medicare.

The Center for Medicare and Medicaid Services publishes a [State Operations Manual](#) , outlining the responsibilities of Medicare participating hospitals in meeting the requirements of

the Emergency Medical Treatment and Active Labor Act (EMTALA). Page 34 of their manual clearly states:

If an individual who is not a hospital patient comes elsewhere on hospital property (that is, the individual comes to the hospital but not to the dedicated emergency department), an EMTALA obligation on the part of the hospital may be triggered if either the individual requests examination or treatment for an emergency medical condition or if a prudent layperson observer would believe that the individual is suffering from an emergency medical condition. The term "hospital property" means the entire main hospital campus as defined in §413.65(a), including the parking lot, sidewalk and driveway or hospital departments, including any building owned by the hospital that are within 250 yards of the hospital).